AF

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Inventor: Michael LAMLA	**Attorney No.: LAML3003/JJC/JS**
Application No.: 09/486,723	**Customer No.: 23364**
Filed: May 18, 2000	**Confirmation No**: 2431
Examiner: P. Pich	**Art Unit: 2431**

For: Method for Testing the Authenticity of a Data Carrier

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This reply brief is submitted pursuant to the appellants' appeal to the Board of Patent Appeals and Interferences from the final rejection of the claims in the above-application, and is submitted in reply to the examiner's answer mailed on September 13, 2007.

Reply to Examiner's Answer

The applicant has argued that *Saliba* does not teach first and second communication channels for transmitting signals between a data carrier and an external device. The examiner interprets *Saliba's* computer 12 and remote host 60 together to be an external device as claimed, citing *Ex Parte Catan* as supporting this interpretation. Alternatively, the examiner argues that one could construe *Saliba's* computer 12 as the data carrier, and *Saliba's* PDA 50 as the external device.

1) *Saliba's* computer 12 and remote host 60 cannot be taken together as forming "an external device" as claimed.

In the examiner's answer, the examiner cites *Ex Parte Catan* for the proposition that ". . .[a]lthough a consumer electronics device may be a single unitary object housing all the functions needed to operate the device, this is not always the case. . .." *Ex Parte Catan*, (Bd.Pat.App. & Interf, July 3, 2007), and arrives at the conclusion that "one may view the combination of computer 12 and host 60 as being the external device with which data carrier 50 is in communication." Appellant respectfully disagrees with the examiner as follows.

Saliba does not disclose or suggest any interaction between the computer 12 and the remote host 60. Lacking any such interaction, Applicant submits that there is no basis for the examiner's interpretation of the computer 12 and the remote host 60 as "an external device" as claimed. Instead, *Saliba's* field unit 50 communicates with the remote host 60, and then in turn with the computer 12.

Saliba discloses that "[a]s a related aspect, the secondary data communications system further may include a remote host computer ***linked to the mobile digital communications device*** by a radio frequency link, such as an analog or digital cellular radio link." (*Saliba*; col. 4, lines 4-7; emphasis added). However, no communication between the computer 12 and the remote host 60 is disclosed.

The passage of *Catan* cited by the examiner refers to "all the functions needed to operate the device." *Catan* continues, noting that "[c]onsumer elecronics devices package to include, for example, a combination of a base station and a remote transmitter, whereby the base station processes information received from the remote transmitter (e.g., by wireless communication), are also well known." *Catan*.

As noted above, *Saliba* does not disclose or suggest any interaction between the computer 12 and the remote host 60. It follows, then, that *Saliba* does not disclose or suggest any sort of "functions needed to operate" the computer 12 that are distributed or shared between the computer 12 and the remote host 60.

At best, *Saliba* discloses that a field unit 50, which may communicate with a mass storage device of the computer 12, "may be used to download diagnostic reports from the drive being interrogated, and to upload firmward upgrades and code fixes to the drive as may be desired." (*Saliba*; col. 5, lines 52-55), and that "[a]dditionally, although ***not necessarily***, the field unit 50 may include a wireless radio send/receive unit 54 enabling e.g. cellular wireless communications with a remotely located host computer 60 also equipped with a compatible cellular wireless communications unit." (*Saliba*; col. 5, lines 44-47, emphasis added).

Thus, *Saliba's* remotely located host computer 60 is not necessary to the operation of either the computer 12 (or to its mass storage devices) or the field unit 50, and does not communicate or interact with the computer 12.

It is respectfully submitted that persons of ordinary skill in the art would not construe *Saliba's* remotely located host computer 60 and the computer 12 together as "an external device" according to the presently claimed invention. It is further respectfully submitted that an interpretation of *Saliba's* remotely located host computer 60 and the computer 12 to be, together, "an external device" as suggested by the examiner is not supported by *Catan*.

2) *Saliba's* computer 12 cannot be construed to be the claimed data carrier provided with two logically or physically separated bidirectional communication channels.

As pointed out in Applicant's appeal brief, *Saliba* does not teach or suggest that the field unit 50 can be provided with two IR units 52. Although *Saliba's* Fig. 1 illustrates two alternative configurations of the IF unit 52, *Saliba's* written description does not support any teaching or suggestion that two IR units 52 are actually provided.

On the contrary, each reference to the IR unit 52 in the written description is made in the singular form, suggesting that either the built-in or the PCMCIA card form of the IR unit 52 is provided but not both. Moreover, there is no teaching, or suggestion, or any discussion at all, of any use or operation, or of any capability of such operation, of two IR units 52.

Significantly, *Saliba* does not disclose or suggest any capacity for operation of any IR unit to interact with more than a single one of the drive units at any one time. Accordingly, even viewing *Saliba's* computer 12 as the claimed data carrier, there can be no teaching or suggestion of first and second bidirectional transmission channels that are so designed that data transmission via one bidirectional transmission cannel does not interfere with data transmission via the other bidirectional transmission channel, as is set forth in claims 1, 12, and 14.

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Respectfully submitted,

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